

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

Tribal Welfare Department - Revision Petition filed by Smt Tatavarthi Venkataramana W/o.Satyanarayana Murthy, Tatavarthi Srinivas @ Vasu S/o.Late Satyanarayana Murthy & Sri Challagurugula Venkateswara Rao, S/o. Veeraiah, R/o.Mulakalapalli village & Mandal, Khammam District against the orders of Additional Agent to Government, Bhadrachalam for ejectment of the Appellants from the P.S.Land Ac.0.03½ guntas in Sy.No.346/1 of Mulakalapalli Village of Khammam District - Hearings held - Set aside the orders of Additional Agent to Government, Bhadrachalam - Orders - Issued.

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SOCIAL WELFARE (LTR.2) DEPARTMENT

G.O.Ms.No. 45

Date:21-04-2014.

Read the following:-

- 1) From the Special Deputy Collector (TW) Bhadrachalam, ejectment orders issued in case No.77/2006/MKP, dt.24-3-2006.
- 2) Revision petition dt. 28-6-2008 filed by Smt Tatavarthi Venkataramana & (2) Others, Mulakalapalli village & Mandal, Khammam District.
- 3) Govt Memo No.9477/LTR-2/08, SW(LTR-2) Dept. dt 12.11.2008.
- 4) From the Additional Agent to Government, Bhadrachalam para wise remarks received vide Revision Petition No.9477/LTR-2/2008, dated: 23-4-2009.
- 5) Govt Memo No. 9477/LTR-2/2008 SW (LTR-2) Dept. dt.21-01.2013.

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O R D E R :

In the reference 2nd read above, Smt Tatavarthi Venkataramana, W/o.Late Satyanarayana Murthy, Sri Tatavarthi Srinivas @ Vasu S/o.late Satyanarayana Murthy and Sri Challagurugula Venkateswar Rao, S/o.Veeraiah, R/o. Mulakalapalli village and Mandal, Khammam District, Revision Petitioners have filed Revision Petition before the Government to grant stay on operation of the orders of the Additional Agent to Government, Bhadrachalam dated.28.06.2008 in C.M.A.No.206 of 2007, wherein he has confirmed the orders of the Special Deputy Collector (TW), Bhadrachalam in LTR case No.77/2006/MKP, dated.24.03.2008 for ejectment of the Appellants herein, from the P.S. land Ac.0.03½ guntas in Sy.No.346/1 of Mulakapalli village of Khammam District and also to set aside the same.

2. In the reference 3<sup>rd</sup> read above, the Government while granting stay orders on the ejectment orders Dated: 24.03.2006 of Special Deputy Collector (TW), Bhadrachalam has called for parawise remarks and case record in respect of the revision petition.

3. In the reference 4<sup>th</sup> read above the Additional Agent to Government, Bhadrachalam has furnished the para wise remarks and record to Government where in he has contended that GPA executed by the Petitioners herein namely, Smt Tatavarthi Venkataramana W/o.Satyanarayana Murthy, Tatavarthi Srinivas @ Vasu S/o.Late Satyanarayana Murthy in favour of Sri Challagurugula Venkateswara Rao, S/o. Veeraiah, Appellant 3, comes under the definition of 'transfer' and in violation of the LTR 1/59 r/w 1/70. Therefore orders were issued in C.M.A No.206/07 duly confirming the orders of the Special Deputy Collector(TW) , Bhadrachalam.

4. In the reference 5<sup>th</sup> read above the petitioners were called for the hearing along with the written arguments and record. Accordingly the petitioners Appellants/Counsel for the Appellants have attended the hearing held on 21.01.2013 and submitted written arguments.

(P.T.O)

5. In their Appeal Petition/ Written Arguments, the Appellants among other things have stated that the House in the P.S land is in the possession of the Appellants 1 & 2 i.e., Tatavarthi Venkataramana and Tatavarthi Srinivas and they are paying the House Tax regularly to the Gram Panchayat of Mulakalapalli (V). That they have appointed the 3<sup>rd</sup> Appellant i.e., Sri Challagurugula Venkateshwara Rao as Special Power of Attorney to act on their behalf in the Courts of Law and to manage the property and that the Lower Courts erred in passing orders against them on the presumption that they have transferred the P.S. Property in favour of the 3<sup>rd</sup> Appellant i.e., Sri Challagurugula Venkateshwara Rao and that he is possession of the same. The Appellants have therefore requested to set aside the orders of the Addl. Agent to Government, Bhadrachalam dated 28.06.2008 in C.M.A.No.206 of 2007.

6. On perusal of the Revision Petition/Written Arguments, copies of the documents, records and other material papers made available in this case and after hearing both the side, the Authority has observed that the Additional Agent to Government, Bhadrachalam has never denied the owner ship of the Appellants over the P.S. Property but passed ejection orders with an intention that the GPA executed by the Appellants 1 and 2 i.e., Smt. Tatavarthi Venkataramana, W/o, Satyanarayana Murthy and Tatavarthi Srinivas @ vasu, S/o late Satyanarayana Murthy in favour of the Appellant 3 i.e., Challagurugula Venkateswar Rao, S/o. Veeraiah also comes under the definition of 'transfer' and in violation of the LTR 1/59 r/w.1/70, duly confirming the orders of the Special Deputy Collector (TW), Bhadrachalam. As mentioned in the LTR, 'transfer' means mortgage with or without possession, lease, sale, gift, exchange or any other dealing with immovable property, not being a testamentary disposition and includes a charge on such property or a contract relating to such property in respect of such mortgage, lease, sale, gift, exchange or other dealing. It is seen from the unregistered GPA furnished by the Appellants that no where it is mentioned about the sale/lease/gift/exchange/transfer except authorizing to act on their behalf and represent them on the issues related to the P.S. Land. The GPA is only to act on behalf of the Appellants 1 & 2 ie., Smt Tatavarthi Venkataramana and Tatavarthi Srinivas and no transaction has taken place in violation of the LTR. Therefore, the apprehension of the Additional Agent to Government, Bhadrachalam that the P.S. land is not correct.

7. Keeping in view the overall facts of the case, Government after careful examination hereby set aside the orders of the Additional Agent to Government, Bhadrachalam dt.28.06.2008 in C.M.A No.206 of 2007, in respect of the P.S. land Ac.0.03 ½ guntas in Sy.No.346/1 of Mulakalapally village of Khammam District. The stay order granted in vide reference 3<sup>rd</sup> read above is accordingly vacated.

8. The Collector, Khammam District/Additional Agent to Government, Bhadrachalam, Khammam District is requested to take necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. A.VIDYA SAGAR,  
PRINCIPAL SECRETARY TO GOVERNMENT (TW)

To

The Collector & Agent to Government, Khammam District.

The Additional Agent to Government & Project Officer, ITDA

Bhadrachalam, Khammam District, with RPAD of the records in case file CMA No.206/2007.

The Special Deputy Collector (TW), Khammam District.

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Copy to:

Sri Rajamalla Reddy, Plot No.22, Pragathinagr, Near Hyderabad Public School, Ramanthapur, Hyderabad - 500 013.

Smt Tatavarthi Venkataramana W/o.Satyanarayana Murthy, R/o.Mulakalapalli village & Mandal, Khammam District.

The P.S to Minister (TW) for information.

The P.S to Principal Secretary to Government (TW).

SF/SC

// FORWARDED:: BY ORDER //

SECTION OFFICER